



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

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RESULTS OF MERRIMACK PLANNING BOARD

TUESDAY, DECEMBER 7, 2021

Planning Board members present: Chair Robert Best (arrived at 7:07 p.m.); Vice Chair Paul McLaughlin; Neil Anketell; Tom Koenig (Town Council Ex-Officio Alternate); & Alternate Nelson Disco

Planning Board members absent: Lynn Christensen; Jaimie von Schoen; Barbara Healey (Town Council Ex-Officio); & Brian Dano.

Staff present: Tim Thompson, AICP, Community Development Director

1. Call to Order

Vice Chair Paul McLaughlin called the meeting to order at 7:00 p.m. and appointed Nelson Disco to vote for Lynn Christensen.

2. Planning & Zoning Administrator's Report

The Board voted 4-0-0 to determine that the 702 DW Highway LLC and Flatley/Gilbert Crossing site plans are not of regional impact, on a motion made by Nelson Disco and seconded by Tom Koenig.

Robert Best arrived at 7:07 p.m. and assumed the chair.

3. Discussion of Capital Improvement Program for Town of Merrimack

Town Manager Paul Micali presented the Town's capital projects.

The Board voted 4-0-1 to assign priorities to the projects presented, indicating that all projects would be ranked as Priority II (Necessary) except for the following projects that were ranked as Priority III (Desirable): Merrimack River Boat Ramp Access Improvement - Griffin Street, DWH Sidewalk Improvements Plan (2021 TAP Applications) (FY 2032), and New Athletic Fields, on a motion made by Nelson Disco and seconded by Paul McLaughlin. Tom Koenig abstained.

4. Discussion of Capital Improvement Program for Merrimack Village District.

MVD Superintendent Ron Miner presented MVD's capital projects.

The Board voted 4-0-1 to assign priorities to the projects presented, indicating that the following projects would be ranked as Priority I (Urgent): Land purchase for potential well site and Potential new well site development; the following projects ranked Priority II (Necessary): Artificial Recharge at Wells 4 & 5, Belmont Booster Station pumps/controls, Distribution system improvements, and Well/tank/pumping facilities; and the following ranked as Priority IV

(Deferrable): Well Level Monitoring/SCADA/GIS/IT improvements, on a motion made by Tom Koenig and seconded by Nelson Disco. Paul McLaughlin abstained.

5. **L & F Realty Trust (applicants/owners)** – Continued review for consideration of a Site Plan amendment to modify site lighting and add additional pavement and related improvements. The parcel is located at 396 Daniel Webster Highway in the C-2 (General Commercial), R-4 (Residential), Aquifer Conservation, and Elderly Housing Overlay Districts. Tax Map 4D-3, Lot 032. Case #PB2021-26. ***This item is continued from the July 7 and August 17, and September 21, and October 19, 2021 Planning Board meetings.***

Applicant was represented by: Matt Peterson, Keach-Nordstrom

There was no public comment.

The Board voted 5-0-0 to grant a waiver of full site plan review on a motion made by Nelson Disco and seconded by Neil Anketell.

The Board voted 5-0-0 to grant conditional final approval to the site plan, on a motion made by Nelson Disco and seconded by Paul McLaughlin.

6. **TC Boston Development, Inc. (applicant) and Rykel Company, Inc. (owner)** – Consideration of waivers to a conditionally approved Site Plan to waive the requirements from Sections 3.12.d.2.ii 9 (Building Design Standards -Facades) and 4.15 (Building Renderings) of the Site Plan Regulations. The parcel is located at 50 Robert Milligan Parkway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 078. Case #PB2021-32.

Applicant was represented by: Austin Turner, Bohler Engineering

There was no public comment.

The Board voted 5-0-0 to grant waivers to Sections 3.12.d.2.ii 9 (Building Design Standards - Facades) and 4.15 (Building Renderings) and to determine that the hearing satisfied the precedent condition for a compliance hearing on the site plan application, on a motion made by Nelson Disco and seconded by Tom Koenig.

7. **RCA Holdings, LLC (applicant/owners)** – Consideration of a waiver to an approved site plan to waive the requirements of Section 6.01.c of the Site Plan Regulations (which requires all on site improvements be completed prior to the issuance of a certificate of occupancy) to allow for final paving improvements to be bonded instead of completed prior to issuance of the certificate of occupancy. The parcel is located at 4 Benning Court in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2E, Lot 006-02. Case # PB 2021-08.

Applicant was represented by: Jason Lopez, Keach-Nordstrom and Gordon Welch, RCA Holdings

Public Comment was received from: Bill Fallon, 12 Merrimack Drive.

The Board voted 5-0-0 to grant a partial waiver to Section 6.01.c (allowing for issuance of a certificate of occupancy to be issued if final pavement cannot be completed due to weather

conditions and is bonded by the applicant), with conditions, on a motion made by Nelson Disco and seconded by Neil Anketell.

8. **526 DW, LLC (applicant/owner)** – Consideration of a waiver to an approved site plan to waive the requirements of Section 6.01.c of the Site Plan Regulations (which requires all on site improvements be completed prior to the issuance of a certificate of occupancy) to allow for the sidewalk improvements to be bonded instead of completed prior to issuance of the certificate of occupancy. The parcel is located at 526 Daniel Webster Highway in the C-2 (General Commercial), Aquifer Conservation & Elderly Housing Overlay Districts and Wellhead Protection Area. Tax Map 5D-2, Lot 001. Case # PB2019-26.

Applicant was represented by: Eric Mitchell, Eric C. Mitchell & Associates and Charles Morgan, Morgan Self Storage

There was no public comment.

The Board voted 5-0-0 to grant a partial waiver to Section 6.01.c (allowing for issuance of a certificate of occupancy to be issued if the required sidewalk cannot be completed due to weather conditions and is bonded by the applicant), with conditions, on a motion made by Nelson Disco and seconded by Paul McLaughlin.

9. **Merrimack Parcel A, LLC (applicant) and Merrimack Parcel A, LLC and Slate Merrimack Acquisition, LLC (owners)** – Consideration of an amendment to a previously approved site plan, to add a Phasing plan, allowing the development of the site to be completed in phases for purposes of occupancy permitting. The parcel is located at 10 Premium Outlets Boulevard in the I-2 (Industrial) & Aquifer Conservation Districts and Wellhead Protection Area. Tax Map 3C, Lots 191-02 and 191-02U1-02U4. Case # PB2021-43.

At the applicant's request, the Board voted 5-0-0 to continue the public hearing to December 21, 2021 at 7:00 PM, on a motion made by Nelson Disco and seconded by Neil Anketell.

10. **Chris Ross (applicant) and 702 Daniel Webster Highway, LLC (owner)** – Review for acceptance and consideration of final approval for a Site Plan to construct a 42-suite extended stay hotel and associated site improvements. The parcel is located at 702 DW Highway in the in the C-2 (General Commercial) District. Tax Map 7E, Lot 023-01. Case #PB2021-40.

Applicant was represented by: George Chadwick, Bedford Design; Chris Ross, applicant; and Joel Sikkila, applicant

As the public hearing was not opened, there was no public comment.

The Board voted 5-0-0 to continue the application's acceptance & public hearing to January 4, 2022 at 7:00 PM, on a motion made by Neil Anketell and seconded by Paul McLaughlin.

11. **KTK Realty Trust, LLC (applicant/owners)** – Review for acceptance and consideration of final approval for a site plan to operate a trailer suspension and repair business. The parcel is located at 20 Star Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-1, Lot 012. Case # PB2021-42.

Applicant was represented by: David Morin, Berkshire-Hathaway Verani Realty and George Fredette, SFC Engineering Partnership

As the public hearing was not opened, there was no public comment.

The Board voted 5-0-0 to continue the application's acceptance & public hearing to January 18, 2022 at 7:00 PM, on a motion made by Tom Koenig and seconded by Paul McLaughlin.

- 12. John Flatley Company (applicant/owner)** – Review for acceptance and consideration of final approval for a lot line adjustment to increase the area of Map 6E, Lot 003-07 and a site plan to construct two 48 unit apartment buildings (in addition to the existing 240 units), both in accordance with the most recently amended Flatley Mixed Use Conditional Use Permit. The parcels are located at 5 Gilbert Crossing and 645 Daniel Webster Highway in the I-1 (Industrial), Aquifer Conservation & Elderly Housing Overlay Districts and Wellhead Protection Area. Tax Map 6E, Lots 003-01 (645 DW Hwy) and 003-07 (5 Gilbert Crossing). Case # PB2021-44.

At the applicant's request, the Board voted 3-0-2 to continue the public hearing to January 4, 2022 at 7PM, on a motion made by Neil Anketell and seconded by Nelson Disco. Tom Koenig and Robert Best abstained.

13. Discussion/possible action regarding other items of concern

- ***The Board voted 5-0-0 to grant a 6 month extension to the Bowers VII Site Plan on a motion made by Tom Koenig and seconded by Nelson Disco.***
- ***The Board voted 5-0-0 to grant a 6 month extension to the Vaughn/Clark LLA on a motion made by Tom Koenig and seconded by Nelson Disco.***
- ***The Board voted 5-0-0 to grant a 6 month extension to the Gordon House Site Plan on a motion made by Paul McLaughlin and seconded by Nelson Disco.***
- ***The Board voted 5-0-0 to grant a 6 month extension to the Flatley Flex Site Plan on a motion made by Nelson Disco and seconded by Neil Anketell.***
- ***The Board voted 5-0-0 to grant a 6 month extension to the PMG Northeast Site Plan on a motion made by Tom Koenig and seconded by Paul McLaughlin.***
- ***The Board voted 5-0-0 to grant a 6 month extension to the Ultimate Bimmer Site Plan on a motion made by Nelson Disco and seconded by Tom Koenig.***
- ***The Board voted 5-0-0 to grant establish a performance bond in the amount of \$4,253,196.91 for the Chestnut Hill Properties LLC subdivision project's roadway and infrastructure improvements on a motion made by Tom Koenig and seconded by Nelson Disco.***
- ***The Board voted 5-0-0 to grant establish a performance bond reduction (based on completed improvements) to \$1,594,955.78 for the Chestnut Hill Properties LLC subdivision project's roadway and infrastructure improvements on a motion made by Tom Koenig and seconded by Nelson Disco.***

14. Approval of Minutes — November 2, 2021

The Board voted 3-0-2 to approve the minutes of November 2, 2021 as drafted, on a motion made by Nelson Disco and seconded by Neil Anketell. Paul McLaughlin and Tom Koenig abstained.

15. Adjourn

The Board voted 5-0-0 to adjourn at 11:37 p.m. on a motion made by Tom Koenig and seconded by Nelson Disco.